

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/615,416
		Filing Date	July 7, 2003
		First Named Inventor	David Scott Wishart
		Art Unit	1641
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	080586-000100US

ENCLOSURES (Check all that apply)		
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		Remarks
The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Townsend and Townsend and Crew LLP Kenneth R. Allen	
Signature		
Date	Dec 17, 2003	

**CERTIFICATE OF TRANSMISSION/MAILING**

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Typed or printed name	Roger Hylton		
Signature		Date	12/17/03

60102174 v1



PATENT  
Attorney Docket No.: 080586-000100US  
Client Reference No.: 82611-5D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID SCOTT WISHART et al.

Application No.: 10/615,416

Filed: July 7, 2003

For: AUTOMATIC IDENTIFICATION OF  
COMPOUNDS IN A SAMPLE MIXTURE  
BY MEANS OF NMR SPECTROSCOPY

Examiner: Unassigned

Art Unit: 1641

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37 CFR  
§1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent publications and non-patent references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Respectfully submitted,

Kenneth R. Allen  
Reg. No. 27,301

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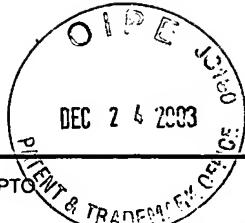
Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		<b>C mplete if Known</b>	
Sheet	1	of	5
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<b>U.S. PATENT DOCUMENTS+</b>				
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	1	2003/0023386	01-30-2003	Aranibar et al.
	2	2002/0145425	10-10-2002	Ebbels et al.
	3	6,063,026	05-16-2000	Schauss et al.
	4	6,035,246	03-07-2000	Wagner
	5	5,926,773	07-20-1999	Wagner
	6	5,887,588	03-30-1999	Usenius et al.
	7	5,878,746	03-09-1999	Lemelson
	8	5,822,219	10-13-1998	Chen et al.
	9	5,726,570	03-10-1998	Spraul et al.
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	11	5,685,300	11-11-1997	Kuenstner
	12	5,668,373	09-16-1997	Robbat Jr., et al.
	13	5,629,210	05-13-1997	Hercules et al.
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	19	5,446,681	08-29-1995	Gethner
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	31	5,229,716	07-20-1993	Demoment et al.
	32	5,220,302	06-15-1993	Nunnally et al.
	33	5,218,529	06-08-1993	Meyer et al.
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	35	5,207,715	05-04-1993	Fossel
	36	5,198,766	03-30-1993	Spraul et al.
	37	5,146,166	09-08-1992	Bartuska
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	40	5,055,389	10-08-1991	Bar-Or et al.
	41	5,046,846	09-10-1991	Ray et al.

Examiner Signature	Date Considered
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Sheet	2	of	5
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		Attorney Docket Number	080586-000100US

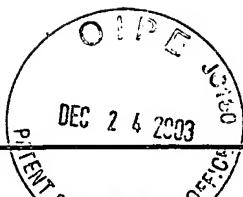
## **U.S. PATENT DOCUMENTS+**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number <sup>4</sup>	Publication Date MM-DD-YYYY		
Country Code <sup>3</sup>		Kind Code <sup>5</sup> (if known)			T <sup>6</sup>
54	EP0350546		01-17-1990	Advanced Techtronics	<input type="checkbox"/>
55	WO00/65366		11-02-2000	Lipomed, Inc.	<input type="checkbox"/>
56	WO00/51054		08-31-2000	Lipomed, Inc.	<input type="checkbox"/>
57	WO99/54751		10-28-1999	Sorland	<input type="checkbox"/>
58	WO98/39664		09-11-1998	Universidad Nacional et al.	<input type="checkbox"/>
59	WO97/47973		12-18-1997	The McLean Hospital Corp.	<input type="checkbox"/>
60	WO96/38083		12-05-1996	The John Hopkins University	<input type="checkbox"/>
61	WO94/20863		09-15-1994	Birkbeck College	<input type="checkbox"/>
62	WO93/03450		02-18-1993	North Carolina State Univ.	<input type="checkbox"/>
63	WO92/11807		07-23-1992	The Beth Israel Hospital	<input type="checkbox"/>
64	WO91/16852		11-14-1991	Chiscan AB	<input type="checkbox"/>
65	WO91/10128		07-11-1991	The Beth Israel Hospital	<input type="checkbox"/>

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

3

of

5

**Complete if Known**

Application Number	10/615,416
Filing Date	July 7, 2003
First Named Inventor	David Scott Wishart
Art Unit	1641
Examiner Name	Unassigned

Attorney Docket Number 080586-000100US

<b>NON PATENT LITERATURE DOCUMENTS</b>		
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	66	"NMR Lipoprotein Subclass Analysis: NMR LipoProfile Research Service", LipoMed, Inc., 3009 New Bern Avenue, Raleigh, NC, 27610, <a href="http://www.lipoprofile.com/lipomed/">http://www.lipoprofile.com/lipomed/</a> Products_Technology/R&D/R&D.htm [printed March 14, 2001]
	67	"Frequently Asked Questions", LipoMed, Inc., 3009 New Bern Avenue, Raleigh, NC, 27610, <a href="http://www.lipoprofile.com/lipomed/FAQS/faq.html">http://www.lipoprofile.com/lipomed/FAQS/faq.html</a> [printed March 14, 2001]
	68	"Understanding the NMR LipoProfile", LipoMed, Inc., 3009 New Bern Avenue, Raleigh, NC, 27610 (2001).
	69	"Varian Nuclear Magnetic Resonance Systems - Bayesian Software", Varian, Inc., 3120 Hansen Way, Palo Alto, CA 94304-1030, USA, <a href="http://www.varianinc.com/nmr/products/software/bayesianonepr.html">http://www.varianinc.com/nmr/products/software/bayesianonepr.html</a> [printed March 19, 2001]
	70	"About INCA", <a href="http://www.bruker.com/nmr/Products/INCA/index.html">http://www.bruker.com/nmr/Products/INCA/index.html</a> [printed March 19, 2001], Bruker NMR, Bruker Analytik GMBH.
	71	"INCA Siting", <a href="http://www.bruker.com/nmr/Products/INCA/inca_siting.html">http://www.bruker.com/nmr/Products/INCA/inca_siting.html</a> [printed March 19, 2001], Bruker NMR, Bruker Analytik GMBH.
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	76	"Who we are", <a href="http://www.acdlabs.com/company.html">http://www.acdlabs.com/company.html</a> [printed March 19, 2001], Advanced Chemistry Development Inc., 90 Adelaide Street West, Suite 702, Toronto, Ontario, M5H 3V9, Canada.
	77	"ACD/Labs - Spectral Laboratory", <a href="http://www.acdlabs.com/products/spec_lab">http://www.acdlabs.com/products/spec_lab</a> [printed March 19, 2001], Advanced Chemistry Development Inc., Toronto, Ontario, Canada.
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Examiner Signature	Date Considered
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

4

of

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**Complete If Known**

Application Number	10/615,416
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First Named Inventor	David Scott Wishart
Art Unit	1641
Examiner Name	Unassigned

Attorney Docket Number 080586-000100US

<b>NON PATENT LITERATURE DOCUMENTS</b>		
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	82	"ACD/CNMR: Overview", <a href="http://www.acdlabs.com/products/spec_lab/predict_nmr/cnmr">http://www.acdlabs.com/products/spec_lab/predict_nmr/cnmr</a> [printed March 19, 2001], Advanced Chemistry Development Inc., Toronto, Ontario, Canada.
	83	"ACD/HNMR: Overview", <a href="http://www.acdlabs.com/products/spec_lab/predict_nmr/hnmr">http://www.acdlabs.com/products/spec_lab/predict_nmr/hnmr</a> [printed March 19, 2001], Advanced Chemistry Development Inc., Toronto, Ontario, Canada.
	84	"Software Reviews: ACD/NMR Processor", <a href="http://www.acdlabs.com/publish/acd_nmr_proc.html">http://www.acdlabs.com/publish/acd_nmr_proc.html</a> [printed March 19, 2001], Advanced Chemistry Development Inc., Toronto, Ontario, Canada.
	85	"CNMR Spectrum generator v4.5," <a href="http://ilab.acdlabs.com/webstore/dcnmrgen.htm">http://ilab.acdlabs.com/webstore/dcnmrgen.htm</a> [printed March 19, 2001], Advanced Chemistry Development Inc., Toronto, Ontario, Canada.
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	88	BAMFORTH et al "Diagnosis of inborn errors of metabolism using 1H NMR spectroscopic analysis of urine," J. Inher. Metab. Dis., SSIEM and Kluwer Academic Publishers, printed in the Netherlands, 22:297-301 (1999).
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	92	EMSLEY et al. "Magnetic Resonance, Historical Perspective," <i>Encyclopedia of Spectroscopy and Spectrometry</i> , Academic Press: pp. 1232-1240 (2000).
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	94	GOLOTVIN et al."Improved Baseline Correction of FT NMR Spectra", NMR Newsletter, October 1999, < <a href="http://www.acdlabs.com/publish/nmr_ar.html">http://www.acdlabs.com/publish/nmr_ar.html</a> > (visited October 30, 2001), Canada, pp. 1-3, Advanced Chemistry Development Inc., Canada.
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	96	HOLMES et al."Automatic Data Reduction and Pattern Recognition Methods for Analysis of 1H Nuclear Magnetic Resonance Spectra of Human Urine....," Analytical Biochemistry 220:284-296 (1994).
	97	HORNAK "The Basics of NMR," available at < <a href="http://www.cis.rutgers.edu/htbooks/nmr">http://www.cis.rutgers.edu/htbooks/nmr</a> > (1997, 2002).

Examiner Signature	Date Considered
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**INFORMATION DISCLOSURE  
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Sheet

PATENT

5 of 5

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	98	LINDON et al. "Biofluids Studied by NMR," In <u>Encyclopedia of Spectroscopy and Spectrometry</u> . Academic Press, pp. 98-116 (2002).	
	99	LINDON et al. "Multicentre Assessment of Small Molecule Quantitation in Human Blood Plasma Using 1H NMR Spectroscopy," <u>Journal of Magnetic Resonance Analysis</u> , England, pp. 66-74(1996).	
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	104	PRESS et al. "Parabolic Interpolation and Brent's Method in One Dimension," <u>Numerical Recipes in C - The Art of Scientific Computing</u> , Second edition, Cambridge University Press, pp. 402-405, USA (1992).	
	105	ROBERTSON et al. "Metabonomics: Evaluation of Nuclear Magnetic Resonance (NMR) and Pattern Recognition Technology for [...] Toxicants," <u>Toxicological Sciences</u> 57:326-337 (2000).	
	106	SMITH et al. "Nuclear Magnetic Resonance Spectroscopy," <u>Analytical Chemistry</u> , Vol. 34:509R-518R (1995).	
	107	SPRAUL et al "Flow Injection Proton [NMR] Spectroscopy Combined With Pattern Recognition Methods [...]," <u>Analytical Communications</u> , Royal Society of Chemistry (UK) 34:1-3 (1997).	
	108	SYKES et al. "Checking pH without an Electrode", <u>The NMR Newsletter</u> , 966 Elsinore Court Palo Alto, CA, 94303, 30 June 1998 (received 7/3/98), 479-11 and 479-12 (1998).	
	109	WILLIAMS et al. "The ABC of Metabonomics: Automated Baseline Correction," March 11- 16, 2001, Orlando, Florida, USA, 42nd ENC, ACD Users Meeting, pp. 1-8 (2001).	
	110	WISHART et al. "Magnetic Resonance Diagnostics: A New Technology for High-Throughput Clinical Diagnostics," <u>Clin Chem</u> 47:1918-1921 (2001).	

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